

²⁵ Wall Street Journal, "Microsoft's Windows Bucks the Pricing Trend," March 23, 1998. (Appendix R)

²⁷ Ibid. (Appendix R)

²⁸ Response of Bill Gates to Supplemental Questions from Senator Hatch, p. 11. (Appendix S)

²⁹ *U.S. v. Microsoft Corporation*, Memorandum, at 17, and note 10. (Appendix T)

³⁰ *U.S. v. Microsoft Corporation*, Memorandum, at 2-3. (Appendix U)

Mr. HATCH. I suggest people who are interested in this issue not only listen to what I have to say here today but that they read this. I think they will find that this is a group that basically disassembles on many issues. Frankly, I don't think they need to disassemble. All they have to do is come in and tell their case forthright and in a fair and reasonable manner and do it on the merits. If you read this, I think you will realize this is a much more serious set of problems than some in the media make it, especially some of those who seem to think there should never be an enforcement of the antitrust laws.

You don't get people from the left to the right, or right to the left—from Bork to you-name-it on the left—saying that there are things that are wrong here, that there is an exploitation of the monopoly power of 90 percent of the operating system and the desktop operating systems throughout the world to crush competition and to do a number of other things that basically are violative of our laws, without their being some heat to some of the arguments that they are making.

I have to say, our committee hearings have shown that there are some things that are wrong here. It is a matter of getting people in the software industry to have the guts to come forward and tell their stories. For instance, the OEM, the original equipment manufacturers, are terrified because they depend totally on Microsoft's underlying operating system to run their machines. All Microsoft has to do is to delay the delivery of that underlying operating system or anything else they do to the OEMs by 1 week and they could be multimillions of dollars in the hole as others get an unfair advantage. We have had people come in and tell us, who are afraid to testify for fear they would lose their business, that they have been warned they better not cooperate with the committee or they better not tell the story.

This happens in a wide variety of things according to people who have come to us. Now I think they have to have the guts to get in front of the committee and tell their stories and let the chips fall where they may. If they are true, if what they have been alleging to us and to the Justice Department is true, then we ought to find out about it and Microsoft ought to have some answers for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF VICTORIA ROBERTS

Mr. LEVIN. Mr. President, in a few moments we will be voting on two judges for the Federal court. The second of those judges is Victoria Roberts, a woman who I recommended for nomination to the President of the United States. She is exceedingly well qualified by temperament, by experience, to be a district court judge. She is only the second person in our history in Michigan who has been elected both president of the State bar of Michigan and the Wolverine Bar Association.

I just thank Senator HATCH, the members of the Judiciary Committee, Senator ABRAHAM, for their support of Victoria Roberts. I am delighted that her name has been recommended to the Senate and that we will be voting upon her confirmation in a few minutes.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. THOMAS. I ask that I may speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BIENNIAL BUDGET

Mr. THOMAS. Mr. President, I would like to just mention again, as we enter into the real depth of appropriations, one of the things that we have talked about a great deal that I feel very strongly about, and I think we ought to think about as we do that, is a biennial budget.

Each year in this institution we spend about half or more of our time dealing with appropriations, which leaves us very little time to do the other things that are very necessary—particularly oversight. Almost all legislative bodies in this country have biennial budgets, which gives an opportunity, first of all, for the agencies to have two years with which to know what their spending will be. Secondly, it allows the institution to have time to oversee the spending that is authorized.

Rather than take more time to talk about it, I just raise the question again and urge the leadership to give some consideration to a biennial budget, where we would make a budget for two years and then have a chance for oversight, have a chance for the agencies to know what they are doing longer, and have a chance to do some of the other business that properly comes before this body.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF A. HOWARD MATZ, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for the consideration of executive calendar No. 574, which the clerk will report.

The legislative clerk read the nomination of A. Howard Matz, to be U.S. District Judge for the Central District of California.

Mrs. BOXER. Mr. President, I am very pleased that the Senate is considering today the nomination of A. Howard Matz to be U.S. District Judge for the Central District of California.

With all the support Mr. Matz has from both Democrats and Republicans, I know the Senate will agree he is eminently qualified to sit on the U.S. District Court for the Central District in California.

I first recommended Mr. Matz for this seat on the federal bench on July 23, 1997, and said then that Howard Matz is an exceptional attorney and person. His experience, intelligence, and integrity make him extremely well-qualified for the Federal bench.

Howard Matz is currently a partner in private practice. He represents largely business clients in civil and white-collar crime matters. His clients have included IBM, Walt Disney Co., the cities of Anaheim and Riverside, Yale University and numerous individuals, partnerships, lawyers, and law firms. I would like to note here that I am not related to Joel Boxer, a partner in Howard's firm.

Mr. Matz received his undergraduate degree from Columbia University and his law degree from Harvard University. In addition to working in various law firms, early in his career he clerked for U.S. District Court Judge Morris Lasker. As an Assistant U.S. Attorney in the Criminal Division, in charge of the Los Angeles Fraud and Special Prosecutions team, he has always believed the punishment should fit the crime. Mr. Matz is highly regarded in the legal community, having written many articles on legal topics and having served as a speaker and panelist on legal matters numerous times. He has received many awards and other distinctions from representatives of the Securities and Exchange Commission, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Internal Revenue Service for cases he handled as a prosecutor.

Complementing his exceptional legal career, Matz also engages regularly in pro bono work and is very active in his

community. He is on the board of directors of Bet Tzedek, having once served as the President of this highly respected provider of legal services for the poor. He has also served on the board of the Los Angeles Legal Aid Society. He is a member of the Board of Overseers for the Los Angeles campus of the Hebrew Union College-Jewish Institute of Religion and is one of the founding sponsors of the Skirball Cultural Center and Museum.

Howard Matz has received numerous letters in support of his nomination.

Judge Lourdes G. Baird, was appointed to the U.S. District Court in the Central District of California by President Bush. Howard Matz was Judge Baird's mentor at the United States Attorney's office when the served as Assistant U.S. Attorney together. Judge Baird wrote "For over 20 years I have known Howard Matz well, both professionally and socially, and strongly believe that he would be an outstanding federal judge if given the opportunity. . . . I am certain that one could find very few candidates who could fulfill the demands of this position as well as Howard."

Sheriff Sherman Block of the County of Los Angeles wrote in a letter to Chairman HATCH "Matz is an extremely hard working individual of impeccable character and integrity. His list of credits, both professionally and within the community, is extensive. I would like to recommend that you favorably consider this appointment. I have no doubt that he would be a distinguished addition to the United States District Court."

Gil Garcetti, the Los Angeles County District Attorney, has known Howard Matz for almost 15 years. Gil Garcetti turns down most requests of support from those seeking appointments, but for Mr. Matz, he felt the need to express his strong support. Garcetti wrote to Chairman HATCH "His unusually diverse background—representing clients in civil and criminal litigation, in state court and federal court, as plaintiffs and defendants—has given him a view of the judicial process which would compel him to exercise his responsibilities as a federal judge with restraint. . . . I am confident Howard possesses no other agenda than to preside fairly and to rule with due regard for the importance of precedent."

George O'Connell, former U.S. Attorney for the Eastern District of California under President Bush, and former Assistant U.S. Attorney in both Los Angeles and Sacramento, wrote "I can only underscore the I think Mr. Matz would make a superb United States District Judge. . . . I do not think that he would engage in inappropriate judicial activism. Rather, I believe he would make the most sincere efforts to achieve justice within the existing framework of the law."

Robert Bonner, former U.S. Attorney (Appointed by President Reagan), former U.S. District Court Judge in the

Central District of California, former head of the Drug Enforcement Administration (Appointed by President Bush), has known Matz for nearly 25 years, and served side-by-side as Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's office in the Central District of California. Bonner wrote in a letter to Chairman HATCH that he believes "Howard Matz possesses those attributes of character, knowledge and intellect that convince me that he will be an outstanding federal district judge. On a personal note, and on an issue of concern to both of us, not only do I know Howard well, but I believe that, if appointed, he will not be an activist jurist."

Harold Blatt, the head of Bryan Cave LLP, sent Senator ASHCROFT two detailed support letters from California partners of his distinguished firm, who know Mr. Matz very well.

Ronald Olson, a former Iowan and former chair of the American Bar Association Federal Judiciary Committee, writes to Senator GRASSLEY that he has known Howard for most of his professional life. Olson wrote "Howard is a lawyer who understands the limitations of the law as well as its possibilities, and I can assure you that he will serve as a judicial officer in a way that respects the limited powers of the Court and the fundamental roles of the legislative and executive branches."

John Fishel, Executive Vice President of the Jewish Federation, wrote "Mr. Matz would make an outstanding federal judge and hope that his nomination will receive serious consideration."

I would like to submit these recommendation letters in full for the RECORD.

I strongly believe Howard Matz will make an outstanding addition to the federal bench. I believe his intelligence, judicial temperament, broad experience, professional and community service, and deep commitment to justice qualify him to serve on the federal bench with great distinction. I am very proud to have had the opportunity to recommend him to the President, and hope the Senate will confirm him today.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will say one thing. With the approval of these two judges, this Republican Congress will have confirmed, during the full tenure of President Clinton, 272 Federal judges, following the confirmation of these two judges.

Mr. President, I ask unanimous consent that we have two separate back-to-back votes of 15 minutes each on the two nominations we're considering this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on both of the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of A. Howard Matz, to be U.S. District Judge for the Central District of California.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. ROTH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. HUTCHINSON) is absent due to a death in the family.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. GLENN), the Senator from Iowa (Mr. HARKIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I also announce that the Senator from Oregon (Mr. WYDEN), is absent due to family illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. WYDEN) and the Senator from Minnesota (Mr. WELLSTONE) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 182 Ex.]

YEAS—85

Abraham	Enzi	Lieberman
Allard	Faircloth	Lott
Ashcroft	Feingold	Lugar
Biden	Feinstein	Mack
Bingaman	Ford	McConnell
Bond	Frist	Mikulski
Boxer	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Brownback	Gramm	Murkowski
Bryan	Grams	Murray
Bumpers	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Hatch	Robb
Chafee	Helms	Roberts
Cleland	Hollings	Santorum
Coats	Hutchison	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Thomas
Daschle	Kerry	Thompson
DeWine	Kohl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—15

Akaka	Glenn	Inhofe
Baucus	Harkin	Kyl
Bennett	Hutchinson	McCain

Rockefeller
Roth

Specter
Stevens

Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider will be laid upon the table. The President will be immediately notified of the Senate's action.

Mr. LOTT addressed the chair.

The PRESIDING OFFICER. The majority leader.

SCHEDULE

Mr. LOTT. Mr. President I would like to take leader time just to go over the schedule briefly because I know Senators are interested in the balance of the day and when we return.

This second vote will be the last vote of the week. We did get a good deal accomplished yesterday and I thank Senators for their cooperation on the Department of Defense authorization bill, the military construction appropriations bill and nominations.

The Senate will recess this afternoon until 12 noon on Monday, July 6, for the Independence Day recess. When we reconvene on Monday, it will be my intention to turn to the Department of Defense appropriations bill. Any votes to occur with respect to that appropriations bill will be stacked to occur on Tuesday, July 7. It is my understanding the managers may have as many as 20 amendments to consider on Monday, and expect to debate those amendments and have votes, then, on Tuesday.

Before the Senate adjourns, I will ask consent that we turn to the product liability bill. If that request is objected to, then I will move to proceed to that matter and file cloture. That cloture vote will occur, then, on Tuesday, July 7, at 9:30, if it is necessary to file cloture. We will then be asked to consider the IRS reform conference report Tuesday evening, and I do mean Tuesday night, so that we can get work done on appropriations bills, product liability, and the IRS reform.

There will be no vote occurring, then, on Monday, July 6. There are a lot of conflicts, Senators trying to get back and I am trying to be cooperative on that. But I do want to announce again, as I did earlier today: Expect votes on Mondays and Fridays and expect 12-hour days Tuesdays, Wednesdays and Thursdays throughout July. We have to do at least 8 appropriations bills during July.

If we get our work done, we won't have to have votes at 9 or 10 o'clock. But it would be my intention, if we don't get cooperation, that I would schedule votes at 9 or 10 o'clock every Tuesday, Wednesday and Thursday, because we have to get it done. I hope Senators will stop introducing 100 amendments to every bill. It is ridiculous. If you have three or four important amendments on each side, and I am talking to both sides, fine. But if we call up DOD and there are 150 amendments offered, it just tells you

something about the Senate. So we are going to get our work done in July if we have to go way into the night every night.

Members should be prepared, then, to work on the appropriations bills and the conference reports. We have a time agreement on higher education. We will work to take up bankruptcy, drug czar reauthorization, Internet gambling, pornography and filtering. I thank all Senators for their cooperation.

I thank Senator GORDON SMITH for what he has done to the dress code in the Senate. I think the Senate is looking brighter, lighter, and it is good for our image and, I think, for the country.

I yield the floor.

NOMINATION OF VICTORIA A. ROBERTS, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the nomination of Victoria A. Roberts, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The legislative clerk read the nomination of Victoria A. Roberts, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mr. ABRAHAM. Mr. President, it is my pleasure to offer a few brief remarks on behalf of Ms. Victoria Ann Roberts, who has just been confirmed by this body to be a United States District Judge for the Eastern District of Michigan.

Ms. Roberts has built an impressive professional resume, as managing partner for a Detroit's Goodman, Eden, Millender and Bedrosian, as an Assistant United States Attorney, and as the president of the State Bar of Michigan.

Ms. Roberts has also taken a long and active interest in several community organizations that have greatly benefitted Metropolitan Detroit. She served on the board of directors of the Fair Housing Association of Detroit from 1985-91 and was its chair from 1986 to 1989. In addition, she has worked with Big Brothers, Big Sisters of Michigan since 1987, serving as Secretary, Vice President, and member of the Board of Directors and Advisory Board.

I think all of this points to an individual who brings a well-rounded and very successful set of legal credentials to the Federal Bench, and to a person who has consistently given to her community and her state as a volunteer in a variety of very important ways.

Mr. President, I am pleased to congratulate Ms. Victoria Roberts on this confirmation, and I look forward to following her career as a judge on the federal bench.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Victoria

A. Roberts of Michigan, to be United States District Judge for the Eastern District of Michigan.

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. ROTH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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The result was announced, yeas 85, nays 0, as follows:

[Rollcall Vote No. 183 Ex.]

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Allard	Faircloth	Lott
Ashcroft	Feingold	Lugar
Biden	Feinstein	Mack
Bingaman	Ford	McConnell
Bond	Frist	Mikulski
Boxer	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Brownback	Gramm	Murkowski
Bryan	Grams	Murray
Bumpers	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Hatch	Robb
Chafee	Helms	Roberts
Cleland	Hollings	Santorum
Coats	Hutchison	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Thomas
Daschle	Kerry	Thompson
DeWine	Kohl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—15

Akaka	Hutchinson	Roth
Baucus	Inhofe	Specter
Bennett	Kyl	Stevens
Glenn	McCain	Wellstone
Harkin	Rockefeller	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table. The President will be immediately notified of the Senate's action.